IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 4TH MAY 2007 / 14TH VAISAKHA 1929

Bail Appl..No. 2692 of 2007()

AGAINST THE ORDER DATED 17/04/2007 IN RC DST/2005/2/2006 IN CRLMP.1573/2007 of CHIEF JUDL.MAGISTRATE, ERNAKULAM

.....

PETITIONER

B.W.JYOTHIKUMAR, S/O.LATE WILSON,
AGED 32, PONANKALA KUZHIVILA VEEDU,
KANJIRAKULAM POST, TRIVANDRUM DISTRICT.

BY ADV. SRI.JOHNSON MANAYANI

RESPONDENT:

DY.S.P.(BI/STF/NEW DELHI) CAMP AT
KOCHI, REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.Balachandran, J.

B.A.No. 2692 of 2007

ORDER

This is an application for regular bail filed under Section 439 Cr.P.C.

2. The petitioner is the accused in RC/DST/ 2005/2/2006 charge sheeted by the Dy.S.P., CBI/ STF/New Delhi for offence under Section 320 IPC. He was arrested on 11.4.2007. His bail application was rejected by the Chief Judicial Magistrate, Ernakulam vide Annexure A4 order on 17.4.2007 for the reason that there is every chance of the petitioner tampering with the evidence in the case, observing that the accused had managed to create some circumstance to show that some other person committed the offence and initially crime was registered against the said person and that the conduct of the accused, in so causing crime being registered against someone else, would show that if he is released on bail at this stage, he may tamper

with the evidence and that would adversely affect the investigation. The reason stated by the Chief Judicial Magistrate in refusing grant of bail is on sound grounds. Hence, unless the investigation gains considerable progress, the petitioner is not entitled to be released on bail.

In the result, I dismiss this bail application.

4th May, 2007 (K.P.Balachandran, Judge)

tkv